

REMARKS

Applicant appreciates the time taken by Examiner Qing-Yuan Wu to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed March 7, 2007 ("Office Action"). This Reply encompasses a bona fide attempt to overcome the rejections raised by Examiner Qing-Yuan Wu and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Pursuant to Applicant Initiated Interview Request submitted on June 4, 2007, a telephonic interview was conducted June 6, 2007 between Primary Examiner Li B. Zhen, Applicant Paul Loomis, Attorney John Adair, and the undersigned. According to Primary Examiner Zhen, a) the rejection under 35 U.S.C. § 101 has been withdrawn; and b) the finality indicated on page 13 of the Office Action dated March 7, 2007 was a clerical error. Applicant appreciates the time taken by Primary Examiner Zhen to review Applicant's present application.

Information Disclosure Statement

Examiner Qing-Yuan Wu telephoned the undersigned on June 6, 2007 and requested Applicant to review U.S. Patent No. 7,027,997 prior to the aforementioned interview. Applicant has carefully reviewed this newly discovered reference and believes that it should be formally considered by the Examiner. Accordingly, an Information Disclosure Statement ("IDS") citing U.S. Patent No. 7,027,997 is submitted herewith. It is respectfully requested that an initialized copy of the IDS be returned to Applicant, perhaps accompanying the next Office Action.

Rejections under 35 U.S.C. § 101

Claims 1-19 and 27 were rejected under 35 U.S.C. § 101. This rejection has been withdrawn as of June 6, 2007 per Primary Examiner Zhen.

Rejections under 35 U.S.C. § 112

Claims 5-8, 13-16 and 23-27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 is amended herein to particularly point out and distinctly claim that the workflow engine APIs of said at least two heterogeneous workflow engines are vendor-specific. Support for the amendment to claim 27 can be found in the Specification as originally filed, particularly on page 11, paragraph 35. No new matter is introduced. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 5, 13, and 23 recite the limitation of "wherein in said set of generic objects is maintained based upon an industry standard for workflow management." The Office Action states, "it is uncertain what 'an industry standard for workflow management' includes or excludes (i.e. the examiner is unable to determine the metes and bounds of the claim because any industry standard can evolve over time, therefor[sic] objects based upon an industry standard that is subject to change is indefinite." Applicant respectfully disagrees. Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). The metes and bounds of claims 5, 13, and 23 are not limited by what an industry standard for workflow management includes or excludes so long as the set of generic objects is maintained accordingly. As the Examiner pointed out, any industry standard can evolve over time. Maintaining the set of generic objects accordingly enables the public API to evolve with industry standard(s) for workflow management. This is one advantage not found in prior art. Thus, claims 5, 13, and 23 particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-2, 9-10, and 17-19 were rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,516,356 ("Belknap") in view of Applicant Admitted Prior Art ("AAPA"). Claims 5-7, 13-15, 20, 23-25 and 27 were rejected under U.S.C. § 103(a) as being unpatentable over Belknap and AAPA as applied to claims 1, 9 and 17 and further in view of U.S. Publication No. 20020133635 ("Schechter"). Claims 8, 16, 21-22, and 26 were rejected under U.S.C. § 103(a) as being unpatentable over Belknap, AAPA, and Schechter as applied to claim 20 and further in view of U.S. Patent No. 6,647,396 ("Parnell"). Claims 3-4 and 11-12 were rejected under U.S.C. § 103(a) as being unpatentable over Belknap and AAPA as applied to claims 1 and 9 and further in view of Parnell. Specifically, independent claims 1, 9, 17, and 27 were rejected in view of the combination of Belknap and AAPA. Dependent claims 2-8, 10-16, 18-26 were rejected over various combinations of Belknap, AAPA, Schechter, and Parnell. The rejections, which are substantially the same as stated in the Office Action dated November 15, 2005, are respectfully traversed for similar reasons as submitted in the previous Reply dated February 15, 2006, which is fully incorporated herein.

Applicant maintains that a *prima facie* case of obviousness has not been established against claims 1-27. As noted in a recent Supreme Court decision *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), it is important to identify an apparent reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed. Applicant submits that no such apparent reason has been identified.

The Court further noted that the analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit. The Court specifically stated:

Often, it will be necessary ... to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

KSR, slip op. at 14 (emphasis added).

Applicant submits that no such explicit analysis is found in the Office Action. As submitted in the previous Reply dated September 21, 2006, which is incorporated herein by reference, at the time of invention, no software architecture permitted a configurable integration of disparate workflow/business process systems for a single application. Because of the lack of standards adherence or adoption at the time the invention was made, the background knowledge possessed by a person having ordinary skill in the art would point to the fact that an application wishing to exploit a workflow or business process system must adopt a single vendor-specific implementation. This is particularly discussed in AAPA, page 2, paragraphs 5-6, and supported by teachings found in U.S. Patent No. 7,027,997. See, e.g., col. 2, lines 14-23. Since the background knowledge possessed by a person having ordinary skill in the art at the time of the invention was directed to vendor-specific APIs for workflow engines, there were no apparent reasons for that person to combine Belknap with AAPA so as to achieve a public API for heterogeneous workflow engines.

Furthermore, as submitted in the previous Reply dated February 15, 2006, the combination of Belknap and AAPA simply fails to teach or suggest each and every element of claims 1-27. For example, the combination of Belknap and AAPA is silent as to how a public API for heterogeneous workflow engines can be created. Belknap does not teach or suggest APIs for workflow engines. AAPA describes vendor-specific APIs for workflow engines. As one of ordinary skill in the art would have recognized, a large amount of programming would be needed to construct any API for a particular workflow management system. This is supported by teachings found in U.S. Patent No. 7,027,997 (e.g., "Programmers would be required to know about coding-specific issues to interact with a particular workflow management software package." col. 2, lines 38-43). To this extent, Belknap's deficiencies cannot be remedied by AAPA. In view of the foregoing and arguments submitted in previous Replies referenced herein, it is respectfully submitted that independent claims 1, 9, 17, and 27 recite subject matter not reached by the combination of Belknap and AAPA under 35 U.S.C. § 103(a) and therefore should be allowed. Reliance is placed on *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) for the allowance of dependent claims 2-8, 10-16, 18-26, since they differ in scope from their independent claims 1, 9, and 17.

Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place the present application in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, favorable consideration and a Notice of Allowance of all pending claims 1-27 is respectfully solicited. The Examiner is invited to telephone the undersigned at the number listed below for discussing an Examiner's Amendment or any suggested actions for accelerating prosecution and moving the present application to allowance.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



Katharina W. Schuster
Reg. No. 50,000

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1301 W. 25th Street, Suite 408
Austin, TX 78705
Tel. (512) 637-9220
Fax. (512) 371-9088